

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.481 of 2020

S.Ganesh Balaji

... Petitioner

-vs-

G.Indhu

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP.No.216/2018 on the file of the learned Subordinate Judge, Tambaram, and transfer to the file of the learned VII Additional Family Court Judge, Chennai.

For Petitioner : Mr.D.Jagan

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed seeking to withdraw HMOP.No.216/2018 on the file of the learned Subordinate Judge, Tambaram, and transfer the same to the file of the learned VII Additional Family Court Judge, Chennai.

2. Learned Counsel appearing for the petitioner husband would submit that the marriage between the petitioner and the husband was solemnized on 02.11.2015 as per the Hindu Rites and Customs at Purushothama Nagar Nala Sangam Community Hall, Chrompet, Chennai-44 in the presence of elders, relatives and friends of both the families and after the marriage they were living together. However, due to difference of opinion, they were separated. Subsequently, the petitioner husband has filed HMOP.No.76/2017 on the file of the learned Subordinate Judge, Tambaram seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act. Subsequently, the petitioner has withdrawn the HMOP.No.76/2017 and has filed HMOP.No.216/2018 before the learned Subordinate Judge, Tambaram seeking divorce. After coming to know that the petitioner has filed HMOP.No.216/2018 seeking divorce, the respondent wife has filed HMOP.No.1899/2018 before the learned VII Additional Family Court, Chennai seeking restitution of conjugal rights. Under such circumstances, the petitioner has filed the present Transfer CMP. seeking to withdraw HMOP.No.216/2018 on the file of the learned Subordinate Judge, Tambaram, filed by him and transfer the same to the file of the learned VII Additional Family Court Judge, Chennai to be tried along with

HMOP.NO.1899/2018 filed by the respondent wife.

3. Since the summons issued to the respondent wife address has come back on the ground that she has vacated, considering the fact that the petitioner husband who has already filed the petition seeking divorce wants transfer of his own HMOP.No.216/2018 from the file of the learned Subordinate Judge, Tambaram to be tried along with HMOP.No.1899/2018 filed by the respondent wife before the learned VII Additional Family Court, Chennai, this Court is inclined to allow the present Transfer Civil Miscellaneous Petition. Accordingly, the HMOP.No.216/2018 pending on the file of the learned Subordinate Judge, Tambaram is withdrawn and the same is transferred to the file of the learned VII Additional Judge, Family Court, Chennai to be tried along with HMOP.No.1899/2018 and on transfer, the learned VII Additional Judge, Family Court, Chennai, is directed to tag both the matters together and dispose of the same expeditiously on merits.

4. With the above directions, the Transfer Civil Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Subordinate Judge, Tambaram.
2. The VII Additional Judge, Family Court, Chennai.

+1cc to Mr.D.Jagan, Advocate, S.R.No. 39245

Tr. C.M.P. No.481/2020

WEB COPY

AD(CO)
GN(29/12/2020)